



CITY OF MEMPHIS

COUNCIL AGENDA

August 5, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING

1. **ORDINANCE** rezoning the west side of South Third Street (U.S. Hwy. 61); +/-368 feet north of Levi Road, containing 1.20 acres in the Single Family Residential (R-S6) District, up for S E C O N D reading.

Peete

Ordinance No. 5010

Case No. Z 03-113

Applicant: Toya Sanders
Reginald Sanders - Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

2. **RESOLUTION** approving final plat of NORFLEET ESTATES SUBDIVISION, RESUBDIVISION OF LOT 5.

Case No. S 02-040

Resolution approves the final plat located on the south side of Briarcliff Road, west of Mendenhall Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. **RESOLUTION** accepting WOODCHASE COMMERCIAL C-P, PHASE 2, and authorizing release of bond.

Case No. Z 96-146cc
(Contract No. CR-4585)

Resolution accepts completion of the improvement and the dedication of public streets and easements as shown on the final plat located on the west side of North Germantown Parkway at Chimney Rock Boulevard. The standard improvement contract was approved on September 19, 2000. Resolution also authorizes the release of the performance bond in the amount of \$35,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of ISLAND VIEW II PD.

Case No. PD 03-301

Contract No. CR-4808

Resolution approves the final plat located on the east side of Henning Street(future Island Place East), 181.25 feet north of Island Pointe Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving final plat of MILLERS POINT P.D.

Case No. PD 02-358cc

Contract No. CR-4809

Resolution approves the final plat located on the north side of Macon Rd., west of Berryhill Rd. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

6. **NOTATIONS** from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 03-315cc - HUNTERS WALK SOUTH PLANNED DEVELOPMENT

Located on the east side of Germantown Road; approximately 95 feet south Rebecca Woods Drive, containing 35.20 acres in the Agricultural (AG) District

Applicant: Hunters Walk South Joint Venture
The Bray-Davis Firm, Inc. – Representative

Request: Planned development to permit 68 single family detached homes with a minimum lot size of 13,500 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 03-319 – KALLAHER VIEW PLANNED DEVELOPMENT

Located on the northwest corner of National Avenue and Kallaher Avenue,
containing 1.156 acres in the Duplex Residential (R-D) District

Applicant: Vision Properties, LLC
Frank Palumbo, Jr. – Representative

Request: Realignment of property into six (6) residential lots with

either duplex or single-family residential use

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 03-328

Located on the west side of Sycamore View Road; +500 feet south of Raleigh LaGrange Road, containing 2.7 acres in the Area C of the Sycamore View Road P.D.(P.D. 00-359 – CP Uses)

Applicant: Reaves Family Partnership & Al Yearwood
Ronald Harkavy – Representative

Request: Add a car wash facility to the list of permitted uses

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 03-611 - RIVERBROOK DRIVE, LAKEBROOK DRIVE, AND PINEBROOK DRIVE
(Companion Case PD 03-333)

Beginning approximately 473 feet east of Millbranch Road; approximately 357 feet north of Shelby Drive and proceeding approximately 1,547 feet therefrom, containing 2.678 acres

Applicant: Southland Development Partners
W. H. Porter & Company, Inc. – Representative

Request: Closure of three (3) Street Right-of-Ways

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 03-333 – (Companion Case SAC 03-611)

Located on the northwest corner of Shelby Drive and Interstate 55, containing 30.86 acres in the Highway Commercial (C-H) District

Applicant: Southland Development, L.L. C.
Terry A. Lynch – Representative

Request: Planned development to create 109 single family detached homes with a minimum lot size of 6,000 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 19, 2003



CITY OF MEMPHIS

COUNCIL AGENDA

August 5, 2003

Public Session, Tuesday, 3:30p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

7. RESOLUTION recognizing Buehler Enterprises for their dedication to the Memphis Community. (Held from 7/15)

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION congratulating Candace Peebles on being selected a “Nestle Very Best in Youth” winner.

Holt

ACTION REQUESTED: Adopt the resolution

9. **APPOINTMENTS**

Marshall

Memphis & Shelby County Building Code Advisory Board

Appointments

Reappointment

Bob Paullus
Hunter Ryan

Antonio Bologna

Memphis & Shelby County Joint Board of Appeals

Appointments

Reappointment

David Dixon
Marta A. McCully
Jamnu Tahiliani
Gary Wagner
Don White

Alfred Alperin

Memphis & Shelby County Joint Mechanical/Gas Board

Appointments

Jerry Ferrell
Allen Hartsfield

Memphis & Shelby County Plumbing Board

Appointments

Reappointment

Lloyd Rainey
Steve Stachowski

Harold McDonald

Memphis & Shelby County Electrical Board

Reappointments

Phillip Lim
Claud McCrory
William Basinger
Ralph Gusmus

City Beautiful Commission

Reappointment

Annette C. B. Hunt

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION

10. RESOLUTION requesting the City Council to appropriate \$3,970,000.00 funded by G.O. Bonds General to CIP Project #xE062, Preventive Maintenance, to fund preventive maintenance costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION requesting the City Council to appropriate \$11,000.00 funded by G.O. Bonds General to CIP Project #XE030, Hardware and Software, to fund the 10% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION requesting the City Council to appropriate \$225,000.00 funded by G.O. Bonds General to CIP Project #XE026, Bus Replacement, to fund the 11.5% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION requesting the City Council to appropriate \$71,500.00 funded by G.O. Bonds General to CIP Project #XE028, Downtown Transit Mall, to fund the 10% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION requesting the City Council to appropriate \$85,000.00 funded by G.O. Bonds General to CIP Project #XE017, MATA Facility Improvements, to fund the 10% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION requesting the City Council to appropriate \$295,000.00 funded by G.O. Bonds General to CIP Project #XE031, Paratransit Buses, to fund the 11.5 % local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION requesting the City Council to appropriate \$56,264.00 funded by G.O. Bonds General to CIP Project #XE019, Transfer Centers, to fund the 10% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION requesting the City Council to appropriate \$40,000.00 funded by G.O. Bonds General to CIP Project #XE014, Service Vehicles, to fund the 10% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION requesting the City Council to appropriate \$94,000.00 funded by G.O. Bonds General to CIP Project #XE022, Trolley Facility Improvements, to fund the 10% local share of costs as part of the Fiscal Year 2004 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES

19. RESOLUTION requesting funding of \$10,000.00 for the Memphis Firefighters Sports Association. (Held from 7/1;7/15)

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

20. RESOLUTION approving property swap between MLGW and the Memphis-Shelby County Airport Authority, property located on the southeast corner of Airways Road and Shelby Drive, for no monetary consideration.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

21. RESOLUTION appropriating \$400,000.00 funded by G.O. Bonds- General from CD045 for infrastructure improvements to MIDAP – The South End for 96 units of middle income housing.

Ford

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION authorizing the application for SuperNOFA grant funds from the U.S. Department of Housing and Urban Development, and designating Robert Lipscomb as the program contact for the application.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK COMMISSION (none)

DIVISION OF POLICE SERVICES

23. RESOLUTION accepting grant funds in the amount of \$175,161.00 for the Memphis Police Department from the Bureau of Alcohol, Tobacco, and Firearms. These funds will be used for the G. R. E. A. T. Program (Gang Resistance Education and Training). The funds will be used to address the problems of gangs and violence to the target population of 7th Grade Students. Resolution also amends the FY 2004 operating budget by appropriating funds.

Mitchell

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of \$50,000.00 from the US Department of Justice, Bureau of Justice Assistance Local Law Enforcement Block Grant funds for the Memphis Police Department’s Anti-Gang/Anti-Drug Summer Youth Programs. These funds will be used to promote crime prevention awareness among participating youth while offering positive alternatives for drug and gang involvement.

Mitchell

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting grant funds in the amount of \$84,324 for the Memphis Police Department’s Juvenile Squad Unit. The funds are provided from the Office of Juvenile Justice and Delinquency Prevention through Shelby County Government. Resolution also amends the FY 2004 operating budget by appropriating funds.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICE

26. RESOLUTION accepting a grant fund from First Tennessee Bank for English as a Second Language Enhancing Family Life (ESLEFL) Program. Resolution also amends the FY 2004 Operating Budget by appropriating \$5,000.00 for the grant.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (none)

GENERAL ORDINANCES -THIRD AND FINAL READING

27. **ORDINANCE** to amend Chapter 22, Code of Ordinances, City of Memphis, by creating a new Chapter 22; to provide regulation for Excessive Noise, up for T H I R D and F I N A L reading. (Held from 7/16; 8/20/ 9/17; 10/1; 10/15; 12/03; 1/7; 2/18; 3/4; 3/18; 4/15; 5/6;5/20;6/3) (**Pulled from January 21, 2003 Minutes**)

Peete

Ordinance No. 4952

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

28. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north, up for T H I R D and F I N A L reading.(Held from 7/15)

Peete

Ordinance No. 5007

Case No. Z 03-109cc

(Companion Cases STA 03-001cc& ZTA 03-001cc)

Applicant: Office of Planning and Development & City/County Public Works
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County
Zoning Ordinance and Subdivision Regulations to create an overlay
district for the Fletcher Creek Basin
(2) Designate the area within the Fletcher Creek Drainage Basin as
the Fletcher Creek Drainage Basin (FCD) Overlay District.

Applicant: Hickory Hill Family Dentistry
Monice Tate – Representative

Request: The request is to amend a “Special Use Site Plan” for an existing dentist office to reflect an additional lot area for expansion

LUCB and OPD recommendation: APPROVAL, with conditions

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARINGS

33. RESOLUTION approving a planned development located on the west side of South Third Street (U.S. Hwy. 61); +/-976 feet north of Fairway Avenue, containing 3.70 acres in the Local Commercial (C-L) District.
Peete Case No. PD 03-341

Applicant: Rev. C.E. Ware
David W. Miley, Consulting Engineers - Representative

Request: Planned development to allow a maximum of fifty-six (56) multi-family residential dwelling units for an independent senior living facility for residents fifty-five (55) years or older with associated accessory uses, including walking paths

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON JULY 18, 2003

34. RESOLUTION approving a street and alley closure located on the south side of Trigg Avenue; +143 feet east of Mississippi Boulevard.
Peete Case No. SAC 03-609

Applicant: St. Jude Missionary Baptist Church
Allen & Hoshall (Marie Zwolinski) - Representative

Request: Close & Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

52 NOTICES MAILED ON JULY 18, 2003

ADJOURNMENT